

**Remarks:**

The present remarks are in response to the Non-final Office Action mailed November 14, 2008. Currently, claims 1-43 are pending in the present application. Claims 1-33, 35, 37-41, and 43 have been cancelled previously without prejudice. Claims 34, 36, and 42 remain for consideration, but have been rejected under 35 U.S.C. 103(a). No new matter has been added.

**2. Claims 34, 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,046,249 (hereinafter referred to as "Kawara") in view of U.S. Patent No. 5,214,851 (hereinafter referred to as "Althaus"), and further in view of U.S. Patent No. 4,756,082 (hereinafter referred to as "Apprille") and/or U.S. Patent Publication No. 2004/0035003 (hereinafter referred to as "Stiles")**

The Examiner notes "Kawara shows a unitary razor body with all of the limitations as seen in figure 9. The flywheel vibration device (150-152) is in proximity to the blade mount (132). The blade is vibrated along its cutting edge (lines 43-45, column 2)." (See the Office Action of December 3, 2007, p. 2). The Examiner further notes that the present invention utilizes a protective sleeve to encase the vibration device, which Kawara does not show. Accordingly, the Examiner notes:

Kawara's motor and eccentric flywheel are mounted directly in the head region instead of having an intermediate sleeve. However, the use of an intermediate sleeve is well known as shown by Althaus (6). It would have been obvious to one of ordinary skill in the art to have sleeved Kawara's motor and eccentric flywheel, as taught by Althaus, in order to provide a sturdier vibration device that is easier to install.

(See the Office Action of December 3, 2007, p. 2). The Examiner further notes:

In regards to the added recitation of there being an angle between the head region and the handle region, Examiner takes official Notice that such a feature is ubiquitous in modern razors. Some examples of this are the references to Apprille and Stiles. Additional references can be supplied if needed. It would have been obvious to one of ordinary skill in the art to have further modified Kawara by angling the head region (30) relative to the handle region (10), as suggested by Apprille and Stiles and dozens of other references, in order to create a concavity on the skin-facing side of the razor, such that protruding body parts do not interfere with the motion of the handle.

(See the Office Action of December 3, 2007, p. 2).

The Applicant disagrees with the present rejection on the following grounds. “To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.” (See MPEP 2143).

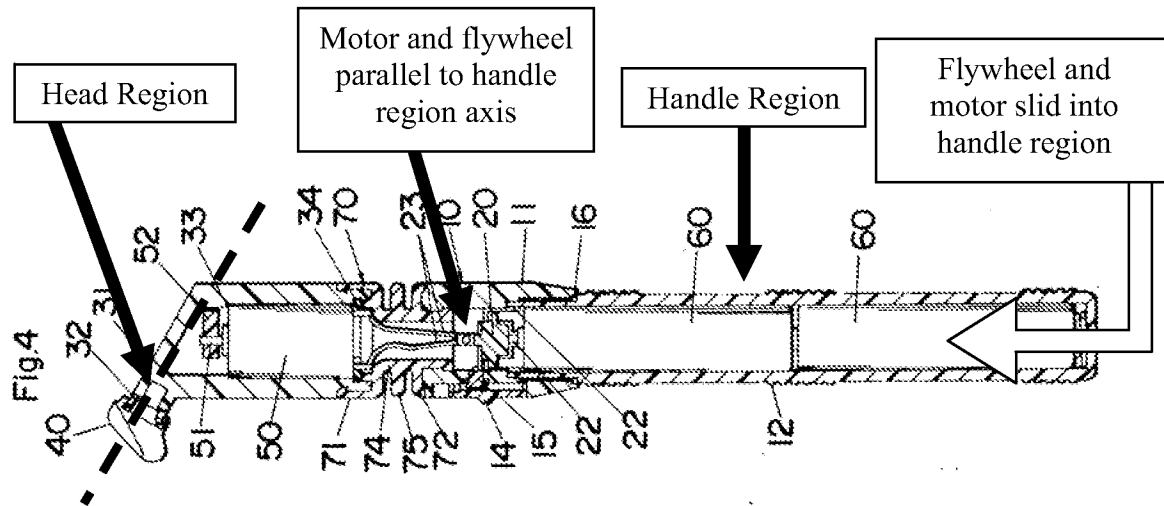
Claim 34 is not made obvious by Kawara. The deficiency in Kawara is not cured by Althaus, nor is it in conjunction with Apprille, Stiles, or any other additional reference in the same vein as Apprille and Stiles.

Claim 34 is reproduced below for convenience:

34. A razor, in particular for wet shaving, comprising:  
a **unitary body** having a handle region, a head region and a neck region located between the handle region and the head region, and functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein  
the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and  
the motor and flywheel are arranged within a protective sleeve, the protective sleeve being **substantially enclosed within the head region** of the unitary body, the motor and protective sleeve extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation;  
wherein the energy store is at least partially located in the handle region; and  
wherein the handle region is **angled** relative to the head region.

Notably, claim 34 recites the handle of the present invention is a unitary body, which includes a head region angled with respect to the handle region. Further, the motor and flywheel are substantially enclosed in the head region. As such, the present invention places the motor and flywheel on an axis not parallel to that of the handle region. Although the Examiner notes “Kawara shows a unitary razor body” (See the Office Action of December 3, 2007, p. 2), Kawara

does not provide a unitary body where the head region contains the motor and flywheel, where the head region is angled relative to the handle region. As shown in Fig. 4 of Kawara below, the placement of the motor and flywheel in the handle region is along an axis parallel to that of the handle region. This facilitates Kawara's assembly process of sliding the motor and flywheel inside a can through the handle region.



The Examiner posits that “it is very reasonable to say that the ‘handle region’ extends from the bottom of [Kawara’s figure 4] up to numeral 72, and that the ‘head region’ extends from numeral 70 up to the top of the figure.” (See Office Action dated November 14, 2008, page 3). The Examiner further notes that “Kawara’s element 30 is the “head”, so it is clearly acceptable to call this area the ‘head region’ . . . Accordingly, Examiner IS NOT ‘moving’ the motor and flywheel from one region to the other, since they were already in the head region to begin with.” (See Office Action dated November 14, 2008, page 3) This entire region ascribed by the Examiner as the head region cannot be so in light of the present invention, as the entire region is not angled with respect to the handle region. The only portion of the region asserted by the Examiner as the head region that is angled with respect to the handle region, is the portion described above by the Applicant. As such, the present invention does not read-upon Kawara because (1) the flywheel and motor of Kawara are still along an axis parallel to that of the handle region, and (2) there is no space to put the motor and flywheel in Kawara’s angled head region.

The advantage of providing the eccentric motor in the angled head region is that it rotates about an axis not parallel to the length of the handle region. This minimizes undue vibration felt

in the handle, as well as promotes vibration in the direction of the blades (e.g., a “chopping” motion). Kawara’s positioning of the motor and flywheel precludes these advantages of the present invention. Based on Kawara’s assembly process, these benefits are also not possible. Therefore, Kawara does not render the present invention obvious.

The deficiencies of Kawara are not cured by Althaus, Apprille and Stiles. None of the above-mentioned pieces of art provide a unitary body with a head region angled with respect to the handle region, with the flywheel and motor positioned in the angled head region. The Examiner notes the present invention’s assembly process “is following a line of logic that no manufacturer would take. The motor and the flywheel (with or without sleeve) can easily be assemble[d] in the head region *prior to the head region being attached to the handle region* (angled or not).” (See Office Action dated November 14, 2008, p. 4) The Examiner’s contention is moot because the present invention is claimed as a *single unitary body*. As such, the head and handle regions are a single piece, and cannot be subsequently connected and/or assembled. Therefore, the claims specifically preclude the insertion the motor and flywheel into the head region prior to “attaching” the head and handle regions.

Accordingly, the present invention of claim 34 is not obvious in light of the prior art since the art, alone or in combination, does not disclose each and every claim recitation. As noted above, a razor having at least a motor and flywheel located in the angled head region, where the handle and head regions are a single unitary body, is not disclosed in the prior art and, for at least the reasons put forth above, it would not be obvious to modify the cited prior art to arrive at such a device. Favorable reconsideration of claim 34 is requested.

Claims 36 and 42 depend from claim 34 and are therefore also not obvious in light of the cited prior art for at least the same reasons stated above in connection with claim 34. Favorable reconsideration of these claims is also respectfully requested.

### **Summary:**

The Applicant has traversed all of the rejections of the Final Office Action through the above remarks. In light of the foregoing, it is respectfully requested that claims 34, 36, and 42 be allowed to issue as a patent.

Application No. 10/807,281  
Amdt. Dated: February 16, 2009  
Reply to Office Action of November 14, 2008  
Page 8 of 8

No fees are believed to be due at this time, but if any deficiencies do exist, please charge them to Deposit Account (Account No. 504112). If the Examiner has any questions, please feel free to contact the Attorney of Record at the contact information provided below.

Respectfully submitted,

By: /Timothy A. Johnson/  
Timothy A. Johnson  
Reg. No. 51,234

Timothy A. Johnson  
Patent Counsel  
Schick-Wilkinson Sword  
10 Leighton Road  
Milford, CT 06460-9001